

REMARKS

Claims 1-4, 6-16, 18-26 and 28-34 are pending in the present application. Claims 5, 17 and 27 have been cancelled by way of a previous amendment.

The Examiner has rejected claims 1-4, 6, 9-16, 18, 21-26, 28 and 31-34 under 35 U.S.C. § 103(a) as being unpatentable over US Patent Application Publication No. 2003/0005118 to Williams (hereinafter "Williams") in view of US Patent Application Publication No. 2004/0210771 to Wood et al. (hereinafter "Wood") in further view of US Patent Application Publication No. 2002/0124074 to Levy et al. (hereinafter "Levy").

The Office Action was issued following the United States Supreme Court's decision in the case of KSR Int'l Co. v. Teleflex Inc., No. 04-1350 (April 30, 2007). In light of the KSR decision, Applicant wishes to address various issues pertaining to a proper analysis under section 103.

The Examiner, by citing three and four references and asserting a reason for combining elements from the three and four references, has elected to base the rejection of the pending claims upon a teaching, suggestion or motivation to select and combine features from the cited references. Applicant wishes to point out that the Supreme Court's KSR decision did not reject use of a "teaching, suggestion or motivation" analysis as part of an obviousness analysis, characterizing the analysis as "a helpful insight." KSR slip op. at 14-15.

When the Examiner chooses to base a rejection upon a teaching, suggestion or motivation analysis, the Examiner must satisfy the requirements of such an analysis. In particular, the Examiner must demonstrate with evidence and reasoned argument that there was a teaching, suggestion or motivation to select and combine features from the cited references, e.g., In re Lee, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). Moreover, the prior art must suggest the desirability of the combination, not merely the feasibility, see In re Fulton, 73 USPQ2d 1141, 1145 (Fed. Cir. 2004).

In the event that the cited references fail to disclose or suggest all of the elements recited in the claims, then combining elements from the references would not yield the claimed subject matter, regardless of the extent of any teaching, suggestion or motivation.

Although the Supreme Court did not reject use of a "teaching, suggestion or motivation" analysis, the Supreme Court did say that it was not the only possible analysis of an obviousness question. Because of the Examiner's chosen ground for rejection, however, the only pending ground for rejection must be a "teaching, suggestion or motivation" analysis. In the event that the Examiner chooses to consider a different avenue for rejection, this would be a new ground for rejection not due to any action by Applicant. Applicant has a right to be heard on any new ground for rejection.

Applicant further respectfully reminds the Examiner that, even after KSR, the following legal principles are still valid, having been endorsed by the Supreme Court

or having been unaffected by its decision: (1) the USPTO still has the burden of proof on the issue of obviousness; (2) the USPTO must base its decision upon evidence, and it must support its decision with articulated reasoning (slip op. at 14); (3) merely demonstrating that all elements of the claimed invention exist in the prior art is not sufficient to support a determination of obviousness (slip op. at 14-15); (4) hindsight has no place in an obviousness analysis (slip op. at 17); and (5) Applicant is entitled to a careful, thorough, professional examination of the claims (slip op. at 7, 23, in which the Supreme Court remarked that a poor examination reflected poorly upon the USPTO).

Claim 1 has been amended for clarity. It should have been considered implicit that redirecting, to a second server, a request received from a browser involves transmitting a redirect message to the browser. Claim 1 has been amended to make explicit the transmission of the redirect message.

As described in paragraph [0038] of the present application as published, a first server may determine that a request, received from a browser, for a web page requires redirection to a second server. Accompanying the request is an encrypted session token. The Applicant has figured out that the second server may not be able to decrypt the session token so as to obtain a session ID and a timestamp. Accordingly, while redirecting the request to the second server, the first server transmits the session ID and timestamp directly to the second server. Subsequently, the second server receives the redirected request from the browser. Conveniently, the second server may

determine, based on the session ID and timestamp received from the first server, that the request relates to a valid session. Upon determining that the request relates to a valid session, the second server may serve the web page requested in the request.

Claim 1 requires "transmitting a redirect message to said browser, thereby redirecting said request to the second server" and "in conjunction with said transmitting, transmitting said session ID and said timestamp directly to the second server".

The Examiner correctly notes that Williams discloses redirecting a received request. However, it is important to note, further, that Williams redirects "If a request from a client to a protected server does not include a single-use domain token" (see paragraph [0067]). The Examiner admits that Williams does not specifically disclose including the transmission of said token to the second server in a redirect request. It should be clear that Williams does not disclose such transmission because Williams only redirects a request when no token is received.

The Examiner then cites Wood to show transmission of a session token with a redirect response. The Applicant notes that both the redirect response and the session token are transmitted to the same destination, namely "browser 170". Explicit in claim 1 is that the redirect message is transmitted to a destination distinct from the destination to which the session ID and the timestamp are transmitted.

Wood shows that the session token transmitted with the redirect (5)

response is a new session token (see paragraph [0051]), not a session token received with a request from a browser and decrypted to obtain a session ID and a timestamp, as required by claim 1.

The Examiner admits that Williams-Wood does not specifically disclose, in the Examiner's words, "the transfer of a session ID parameter and a time and date (timestamp) parameter between two network connected systems (servers)".

The Examiner then cites Levy to illustrate that the transfer of a session ID parameter and a time and date (timestamp) parameter between two network connected systems has been disclosed. The Applicant agrees that Levy discloses the creation of a hit_data record including the current value of session_id and the date and time, and the transmission of a LOG message to the registration server, where the LOG message includes the contents of the hit_data record. The Applicant notes that the entity performing the creation of the hit_data record and the transmission LOG message is a client (1, FIG. 1) executing a browser (5, FIG. 1) and not, as required by claim 1, a first server that is the recipient of a request for a web page that is present at a second server.

Since neither Williams, nor Wood, nor Levy, nor a combination of Williams, Wood and Levy disclose or suggest "transmitting a redirect message to said browser, thereby redirecting said request to the second server" and "in conjunction with said transmitting, transmitting said session ID and said timestamp directly to the second

server" as required by claim 1, as amended, the Applicant submits that claim 1, as amended, may not be properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Levy. The Applicant respectfully requests that the Examiner withdraw the rejection of claim 1, and claims 2-4, 6 and 9-12 dependent, either directly or indirectly, thereon, as obvious over Williams in view of Wood in further view of Levy.

Claim 23 is directed to a computer program product having a computer-readable medium tangibly embodying computer executable instructions for secure session management according to the method of claim 1.

Claim 23 has been amended for consistency with the amendments to claim 1.

With arguments similar to those presented in defense of the non-obviousness of claim 1, the Applicant submits that neither Williams, nor Wood, nor Levy, nor a combination of Williams, Wood and Levy disclose or suggest a computer program product having a computer-readable medium tangibly embodying computer executable instructions for "transmitting a redirect message to said browser, thereby redirecting said request to the second server" and "in conjunction with said transmitting, transmitting said session ID and said timestamp directly to the second server", as required by claim 23, as amended. Accordingly, the Applicant submits that claim 23, as amended, may not be properly rejected under 35 U.S.C. § 103(a) as being

unpatentable over Williams in view of Wood in further view of Levy. The Applicant respectfully requests that the Examiner withdraw the rejection of claim 23, and claims 24-26, 28 and 31-34 dependent, either directly or indirectly, thereon, as obvious over Williams in view of Wood in further view of Levy.

Claim 13 is directed to a system for secure session management. The system of claim 13 includes a first server including a first request handler and a second server including the requested web page. Claim 13 has been amended for consistency with amended claim 1 to require that the first request handler be "adapted to transmit a redirect message to said browser, thereby redirecting the request to said second server, and transmit the session ID and said timestamp directly to said second server". In Williams, "If a request from a client to a protected server does not include a single-use domain token, the protected server can redirect the client to the CDC to perform a login process" (paragraph [0067]). In Wood, "A session token is passed to browser 170 in conjunction with the redirect (5) to login component 120." Notably, neither Williams nor Wood are adapted to redirect a request to a second server, where the second server includes the requested web page. The Williams redirect is to a Cookie Distribution Center 202. The Wood redirect is to login component 120. The Examiner cites Levy to illustrate that the transfer of a session ID parameter and a time and date (timestamp) parameter between two network connected systems has been disclosed. As discussed above in relation to the rejection of claim 1, the Applicant notes that the network connected system arranging transfer of a session ID parameter and a time and date

(timestamp) parameter to another network connected system is a client (1, FIG. 1) executing a browser (5, FIG. 1) and not, as required by claim 13, a first server that is the recipient of a request for a web page that is present at a second server.

The Applicant submits that neither Williams, nor Wood, nor Levy nor a combination of Williams, Wood and Levy suggest or disclose a first request handler adapted to "transmit a redirect message to said browser, thereby redirecting the request to said second server; and transmit the session ID and said timestamp directly to said second server", as required by claim 13, as amended. Accordingly, the Applicant submits that the system of claim 13 may not be properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Levy. The Applicant respectfully requests that the Examiner withdraw the rejection of claim 13, and claims 14-16, 18 and 21 dependent, either directly or indirectly, thereon, as obvious over Williams in view of Wood in further view of Levy.

The Examiner has rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Levy in further view of US Patent No. 5,907,621 to Bachman et al. (hereinafter "Bachman"). Claims 7 and 8 depend directly and indirectly, respectively, from claim 1 and add limitations. The Examiner contends that the combination of Williams, Wood and Levy discloses most of the subject matter of claims 7 and 8 and cites Bachman to illustrate that the additional limitations added by claims 7 and 8 were known at the time the claimed inventions were

made. Without regard to whether Bachman discloses the limitations added by claims 7 and 8, the Applicant submits that Bachman does not suggest or disclose those elements of the method of claim 1 that, as discussed above, have not been suggested or disclosed by Williams, Wood and Levy. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection of claims 7 and 8 as obvious over Williams in view of Wood in further view of Levy in further view of Bachman.

The Examiner has rejected claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Levy in further view of Bachman. Claims 19 and 20 depend indirectly from claim 13 and add limitations. The Examiner contends that the combination of Williams, Wood and Levy discloses most of the subject matter of claims 19 and 20 and cites Bachman to illustrate that the additional limitations added by claims 19 and 20 were known at the time the claimed inventions were made. Without regard to whether Bachman discloses the limitations added by claims 19 and 20, the Applicant submits that Bachman does not suggest or disclose a first request handler adapted to "transmit a redirect message to said browser, thereby redirecting the request to said second server; and transmit the session ID and said timestamp directly to said second server", as required by claim 13, as amended.

Since it is submitted that neither Williams, nor Wood, nor Levy, nor Bachman, nor a combination of Williams, Wood, Levy and Bachman suggest or disclose a first request handler adapted to "transmit a redirect message to said browser,

thereby redirecting the request to said second server; and transmit the session ID and said timestamp directly to said second server", it is further submitted that the system of claims 19 and 20 may not be properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Levy in further view of Bachman. It is respectfully requested that the Examiner withdraw the rejection of claims 19 and 20 as obvious.

The Examiner has rejected claims 29 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Levy in further view of Bachman. Claims 29 and 30 depend indirectly from claim 23 and add limitations. The Examiner contends that Williams, Wood and Levy disclose most of the subject matter of claims 29 and 30 and cites Bachman to illustrate that the additional limitations added by claims 29 and 30 were known at the time the claimed inventions were made. Without regard to whether Bachman discloses the limitations added by claims 29 and 30, the Applicant submits that Bachman does not disclose or suggest a computer program product having a computer-readable medium tangibly embodying computer executable instructions for "transmitting a redirect message to said browser, thereby redirecting said request to the second server" and "in conjunction with said transmitting, transmitting said session ID and said timestamp directly to the second server", as required by claim 23, as amended. Accordingly, the Applicant submits that claims 29 and 30 may not be properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Levy in further view of Bachman. The

Applicant respectfully requests that the Examiner withdraw the rejection of claims 29 and 30 as obvious.

Favorable reconsideration and allowance of this application are respectfully requested.

Respectfully Submitted,
Nortel Networks Limited

By: _____/Colin Climie
Colin C. Climie, Registration. No. 56,036

Place: Toronto, Ontario, Canada
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Tele No.: 416-868-1482